IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**

**WRIT PETITION NO. 15676 of 2000**

Between:

A.P.State Road Transport Corporation,

Rep. by its Managing Director,
Mushirabad, Hyderabad and another

**..... PETITIONERS**

AND

State Transport Appellate Tribunal,

Rep. by its Presiding Officer,
Andhra Pradesh, Hyderabad and 2 others

**.....RESPONDENTS**

**ORDER:**

This writ petition under Article 226 of the Constitution of India is filed by A.P.State Road Transport Corporation aggrieved by the order of the State Transport Appellate Tribunal, dated 03.05.2000 in A.P.No.524/1998.

Heard the learned counsel for the petitioners, learned Government Pleader for Transport and the learned counsel for the 3rd respondent.

The 3rd respondent herein applied to the Regional Transport Authority, Srikakulam for grant of pucca stage carriage permit on a route from Dandugopalapuram to Bheemapuram Ashram Patsala via.Ravivalasa, Tekkali and Borigipeta. The primary authority has rejected his application. Aggrieved by the same, the 3rd respondent preferred appeal before the State Transport Appellate Tribunal (for short 'the Tribunal') in A.P.No.524/1998, and the same was allowed by the Tribunal, directing the Regional Transport authority to grant permit for the route applied by the 3rd respondent on producing relevant records as required under the provisions of the Motor Vehicles Act and Rules made thereunder.

One of the principal objections of the Corporation was that the route in question is a new route and only State Government can formulate the route under Section 68 (3) (c) (a) of the Motor Vehicles Act, 1988 (for short 'the Act'), and further inasmuch as such route was not formulated, the 3rd respondent is not entitled for grant of pucca permit. The said objection of the Corporation was rejected only on the ground that APSRTC itself is serving major extent of the proposed route, and in that view of the matter, it cannot be construed as a new route.

Similar such question has come up for consideration before this Court in W.P.No.4389/2000. Considering the similar such contentions, this Court held that the route under Section 68 (3) (c) (a) of the Act is a route that is different from the route formulated by the scheme under Section 99 of the Act. Admittedly, the route is not formulated by the Government as contemplated under Section 68 (3) (c) (a) of the Act, and grant of permit to the 3rd respondent is contrary to the view of the judgment of the Division Bench of this Court in ***N.Swarnalatha Vs. Managing Director, APSRTC, Hyderabad and others.***

Precisely, the subject matter of the writ petition is covered and to be allowed in view

of the order of this Court in W.P.No.4389 of 2000. Following the same and inasmuch as it is not in dispute that no such scheme is formulated as contemplated under Section 68 (3) (c) (a) of the Act, the order of the Tribunal dated 03.05.2000 in A.P.No.524/1998 is set aside.

Accordingly, the Writ Petition is allowed. No order as to costs.

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**R.SUBHASH REDDY,J**

Dated: 23.01.2006

Dsr